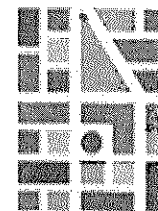


School Stability for Children in Foster Care



Emily Murphy, LMSW

The Kathryn A. McDonald Education Advocacy Project

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Children in Foster Care in New York State: Current Trends

- *In New York State, there are 25,044 children in foster care as of September 30, 2011*
- *The majority of children in foster care are school age*
- *65% return to the their parent upon discharge from Foster Care*
- *56.8% of children in foster care in New York State are reunified with their families within less than twelve months*
- *Nearly 70% are discharged from foster care within three years*

Trauma and Children in Foster Care

- *A child in New York State is removed from his/her home to avoid “imminent danger to the child’s life or health” (Source Family Court Act 1022)*
- *Children in foster care experience trauma on many levels, the underlying abuse or neglect, removal from their home, separation from their siblings and extended family members, etc.*
- *Changes in school placement are yet another source of trauma for these children, as they are separated from friends, teachers, guidance counselors*

Trauma and Foster Care Continued

- *Children in foster care have disproportionately high rates of physical, developmental and mental health problems and often have many unmet medical, mental health and educational needs*

<http://aappolicy.aapublications.org>)

- *Approximately 48% of children in foster care have emotional or behavioral problems and 63% are victims of neglect (Casey Family Programs, 2011)*

- *21% of foster care alumni suffer PTSD, a rate that is higher than that of US war veterans (National Resource Center for Permanency and Family Connections)*

- *The National Survey of Child and Adolescent Well-Being notes that "recurrent physical abuse, emotional abuse, or chronic neglect can lead to difficulties in learning, behavior, and physical and mental health." (U.S. Department of Health and Human Services, Administration for Children, Youth and Families, National Survey of Child and Adolescent Well-Being No. 8: Need for Early Intervention Services among Infants and Toddlers in Child Welfare, 2007 at 1)*

School Mobility

- *Average of 1-2 home placement changes per year while in foster care*
- *Former foster children in OR and WA found 65% had **7 or more school changes** from elementary through high school*
- *School mobility has a negative effect on achievement academically and socially*
- ❖ Children lose 4-6 months of educational progress with each school change
- ❖ In a CA study, high school students who changed schools even once were less than half as likely to graduate as those who did not change schools
- ❖ Children who experience school changes may also have a more difficult time establishing positive relationships with school staff and their peers

Educational Outcomes for Children in Foster Care

- *Research suggests that many children in foster care are not succeeding in school*
- *In many cases, school failure is directly related to high rates of school mobility*
- *Higher rates of absenteeism and higher rates of tardiness*
- *Frequent Grade repetition*
- ❖ *WA study found that youth in foster care are twice as likely to repeat a grade*
- ❖ *Nearly 45% of youth in foster care in NY State report being held over at least once*

Educational Outcomes for Children in Foster Care Continued

- *Lower scores on standardized tests*
- *Low graduation rates*
- ❖ Youth in foster care are twice as likely to drop out
- *Poor college completion rates*
- *By age 24, only 6.2% of former foster youth had earned a 2 or 4 year college degree (compare to 33.6% of the general population)*

Current Legal Framework

- *Fostering Connections to Success and Increasing Adoptions Act of 2008*
- *McKinney Vento Homeless Assistance Act*
- *Individuals with Disabilities Education Act*

Fostering Connections to Success and Increasing Adoptions Act of 2008

- *School Stability, 42 U.S.C. § 675(1)(G)*
 - ❖ Case plan must include an assurance that the child welfare agency has coordinated with local educational agencies to “ensure that the child remains in the school in which the child is enrolled at the time of each placement.”
 - ❖ If remaining in the school is not in the child’s best interests, the case plan must include an assurance that the child welfare agency and the local educational agency will provide “immediate and appropriate enrollment in a new school” and arrange for transfer of school records
- *Funding for Transportation, 42 U.S.C. § 675(4)(A)*
 - ❖ Defines “foster care maintenance payments” to include the cost of “reasonable travel for the child to remain in the school in which the child is enrolled at the time of placement.”
 - ❖ States can access federal matching dollars to help cover the cost of transportation

New York State Regulations

- *18 N.Y.C.R.R. § 430.11(c)(1)(i): Child welfare agency must coordinate with local school authorities to ensure that:*
 - *The child remains in the same school in which the child was enrolled when placed in foster care, if it is in the child's best interest to do so*
 - *The child is provided with immediate and appropriate enrollment in a new school, if it is not in the child's best interest to remain in the school of origin*
 - *All applicable school records are provided to the new school*

Barriers to Implementation of the Fostering Connections Act

- *Gaps in Existing Federal Law and State Regulations*

- ❖ Best interest determination

- ❖ Transportation

- ❖ No timeline or procedure for records transfer

- ❖ Dispute Resolution

- ❖ Enforcement

- *Local Control of School Districts*

- *State and Local Laws*

- *Well-Entrenched Child Welfare Practices*

Policy Guidance from The U.S. Department of Health and Human Services

- *The U.S. Department of Health and Human Services issued policy guidance in July 2010 (ACYF-CB-PI-10-11)*
- *School stability plan must be developed no later than 60 days after a child's removal from home*
- *Plan is jointly developed by agency and the child's parents (though agencies are encouraged to include other parties)*
- *Agency makes "best interests" determination and documents in case plan*
- *Agency determines what factors to consider when making "best interests" determination, but cannot consider cost*

Policy Guidance From New York State

- *OCFS, OCA and SED issued joint guidance in 2012 (12-OCFS-INF-04)*
- *States that local school district residency requirements are not a barrier to maintaining a foster child in the school of origin*
- *Clarifies that the Family Court has a role in reviewing the child's educational stability plan.*
- *Lists factors that should be weighed when making the best interests decisions*
- *Reiterates that agency cannot consider the cost of transportation when making the best interests decision*

Policy Guidance from New York State

Factors that should be considered in making the best interests determination:

- ❖ Safety concerns
- ❖ Child's and parents' preferences
- ❖ Appropriateness of the educational program at the current school and the availability of special programming to meet the child's needs and interests
- ❖ Child's age, grade level, maturity level
- ❖ Length of commute
- ❖ Expected length of foster care placement
- ❖ Number of previous disruptions
- ❖ Child's social adjustment and well-being, including ties to peers and staff members at the current school
- ❖ Time of the school year
- ❖ Impact on child's ability to earn credits, be promoted to the next grade, graduate on time
- ❖ Involvement in extracurricular activities

Transportation

- *Fostering Connections Act places the burden of compliance on the local social services district, not on the school district. Thus, the school district is not required to provide transportation to all children in foster care.*
- *Under separate laws or regulations, school districts will provide transportation for a small subset of children in foster care:*
 - Students with special education bussing on their IEPs
 - Students who are “awaiting foster care placement”

Transportation for Students with Special Education Needs

- *Under IDEA, if a child needs school bus service because of his or her disability, the school district must provide it*
- *If the foster home is within the same school district as the child's previous residence, and the child was previously receiving bussing because of a special education need, the school district may be able to change the child's bus route*

Transportation – for Students “Awaiting Foster Care Placement”

- *The McKinney-Vento Homeless Assistance Act (42 U.S.C. § 11431 et seq.) gives students in temporary housing the right to remain in their school of origin.*
- *It applies to any child who lacks a nighttime residence that is “fixed, regular and adequate,” including children “awaiting foster care placement.”*
- *The school district must provide transportation for children who are protected by the McKinney-Vento Act.*

Transportation for Students “Awaiting Foster Care Placement”

“Awaiting foster care placement” is not defined in NY State but arguably includes children residing:

- ❖ In a temporary group home or maternity shelter
- ❖ In a temporary foster home while kinship or therapeutic foster home resources are being explored
- ❖ In a temporary foster home while waiting for ICPC approval
- ❖ Apart from siblings until a foster home that can accommodate all siblings is located
- ❖ In a respite foster home because the regular foster parent is unavailable (e.g., due to illness or travel)

Transportation – for All Other Students

Transportation must be provided and paid for by the child welfare agency. Possibilities include:

- ❖ Car service
- ❖ Caseworker to escort child to and from school
- ❖ Foster parent, parent, relative or babysitter transports child and is reimbursed for mileage or other transportation costs
- ❖ Contracting with the school district to provide bus service

QUESTIONS??